

1985-1986

TOWN OF EASTHAM  
BY-LAWS, RULES AND REGULATIONS  
GOVERNING  
Zoning, Signs, Subdivisions,  
Plumbing Regulations  
Board of Health Regulations  
Board of Appeals



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SIGN CODE  
As Adopted at  
SPECIAL TOWN MEETING

May 11, 1966  
Amended at Town Meeting  
May 1, 1978

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## ZONING BY-LAWS

as adopted at the  
ANNUAL TOWN MEETING  
April 1948  
and amended to date

DEFINITIONS: For the purpose of this By-Law certain words and phrases are defined as follows:

(a) ONE FAMILY DWELLING: a structure containing not less than 500 square feet of floor area on at least one floor, exclusive of porches, sun decks, patios, raised terraces or similar items, and containing a kitchen; a bathroom containing a toilet, a lavatory, a tub and/or shower; a living room and a bedroom or any reasonably similar combination of rooms.

(b) DUPLEX DWELLINGS; a structure containing not less than 1,000 square feet of floor area under a common or connected series of roofs and containing in each dwelling all the requirements for a one family dwelling.

(c) RENTAL UNITS: Cottage: a structure containing not less than 500 square feet of floor area on at least one floor, exclusive of porches, sun decks, patios, raised terraces or similar items and containing at least one bedroom, a living room, a kitchen, a bath or toilet room or any reasonably similar combination of rooms.

Cabin: a structure containing not less than 150 square feet of floor area, nor more than 499 square feet, exclusive of porches, sun decks, patios, raised terraces or similar items, and containing sleeping, living and toilet facilities but not including any kitchen or cooking facilities.

(d) RESIDENTIAL and AGRICULTURE-DISTRICT A: All property east of the right-of-way of what is now or formerly known as Old Colony Railroad, except District C and the Seashore District.  
(Refer to zoning map)

(e) RESIDENTIAL and GENERAL FARMING- DISTRICT B: All property west of the right-of-way of what is now or formerly known as the Old Colony Railroad except District D. (Refer to zoning map)

(f) PUBLIC AMUSEMENTS: any type of indoor or outdoor amusement requiring the issuance of a License by the Board of Selectmen, or sporting activities at which admission is charged.

(g) SPECIAL PERMIT GRANTING AUTHORITY: shall be the Board of Appeals unless specifically designated in any section of these By-Laws to another authorized Board or Agency as allowed under Chapter 808 of the Acts of 1975 as amended.

(h) ZONING MAP: Map entitled "Zoning Map, Eastham, Massachusetts, revised April 28, 1960" compiled by Schofield Brothers, Civil Engineers and Land Surveyors, a copy of which is on file with the Town Clerk and adopted at the Annual Town Meeting, May 1, 1978.

(i) ZONING BOUNDARY LINES: Zoning districts shall extend to the full territorial limits of the Town of Eastham and shall extend into adjoining water bodies and include the lands thereunder.

(j) LOT AREA REQUIREMENTS: Minimum lot area requirements shall not include land subject to annual flooding or land under any stream, creek or other water bodies and must consist of a minimum of 75% of contiguous upland.

### SECTION I

The purpose of this By-Law is to promote the health, safety and general welfare of the inhabitants of the Town of Eastham, by dividing the Town into districts with a view towards conserving the best qualities of the Town as they now exist.

### SECTION II

DISTRICTS: In accordance with Chapter 40, General Laws, Section 25-30B, and any amendments thereto:

The Town of Eastham is hereby divided into districts as follows:

- (a) Residential and Agriculture, DISTRICT A
- (b) Residential and General Farming, DISTRICT B
- (c) Commercial, DISTRICTS C and D
- (d) Permissive Use
- (e) Seashore District

Description of "Permissive Use" area:

"On the westerly side of Route 6- from the northerly boundary of the Evergreen Cemetery so-called, to the southerly boundary of Commercial District D, and then from the northerly boundary of said Commercial District D to the Eastham-Wellfleet town line, to a depth of 500 feet from the westerly sideline of the highway taking."

"On the easterly side of Route 6: from the intersection of the easterly sideline of Route 6 and the right-of-way of what is now or formerly known as the Old Colony Railroad to the southerly boundary of Commercial District D to the Eastham-Wellfleet town line, extending in depth from the easterly side-line of the highway taking to the westerly sideline of the right-of-way what is now or formerly known as the "Old Colony Railroad."

### SECTION III

In DISTRICT A, premises and (or) buildings may be used for the following purposes only:

1. One family dwellings, and duplex dwellings, not to exceed two



stories in height, adapted to human habitation. (Use of the following structures or units for human habitation is prohibited except upon issuance of a temporary permit by the Building Inspector under conditions hereafter specified: Tents, House Trailers, Campers, Quonset Huts, Portable or Semi-Portable buildings, or similar structures whether equipped with wheels or not. Houseboats or equivalents on fresh water.)

Temporary Permit: The Building Inspector may issue a permit for temporary use of any of the prohibited items for use during the period of construction of a dwelling or cottage. This permit shall not be valid for over six months and shall not be renewable. All applicable regulations as to setback from lot lines must be complied within location of any of these items. Sanitary facilities must receive approval from the Board of Health. All such items must be located on the lot on which construction is being done and must be removed prior to the granting of a Certificate of Occupancy for the permanent structure.

## 2. Renting of Cottages.

3. Accessory Buildings and shelters for the uses of the resident occupants of such dwellings for garaging their own motor vehicles, stock and equipment, and only so long as it is not injurious, noxious or offensive to the neighborhood.

4. Churches, school, municipal buildings, and all properties, buildings, and structures of the municipal state and federal governments.

5. Private Clubs; except a club, the chief activity of which is a service customarily carried on as a business.

## 6. Municipal recreation use.

7. Customary home occupations such as dressmaking, baking, preserving of foods, hand laundering and hand-crafts; renting of rooms with or without board. All such undertakings to be conducted by a resident occupant.

8. Any incidental activity related to his trade conducted by a resident craftsman or mechanic provided such activity does not involve substantially continuous operations or employment of non-resident personnel and is not injurious, noxious or offensive to the neighborhood.

9. Agricultural farming, gardening, nursery or greenhouse business occupants only and only so long as it is not injurious, noxious or offensive to the neighborhood.

10. Refreshment booths or stores purveying food, non-alcoholic beverages and beach supplies, if adjacent to any Town Landing, upon issuance of a permit by the Board of Selectmen and a Building Permit from the Building Inspector.

11. The keeping of livestock and poultry is restricted to non-commercial family use of the resident occupant only and only so long as it is not injurious, noxious or offensive to the neighborhood.

12. Funeral Homes.
13. Hospitals, Sanitariums and Rest Homes.
14. Boys' and girl's camps.
15. Storage of campers or trailers may be allowed on resident occupant's property upon permit from the Selectmen.
16. Agricultural, horticultural and floricultural uses on parcels of five (5) acres or more providing said use is the primary use and that all buildings and structures, except fences of less than five (5) feet in height shall not be less than thirty (30) feet from the sidelines of any lot nor less than one hundred (100) feet from the sideline of any street or highway. Additionally, all structures and buildings, except chimneys, vents and similar devices shall not exceed thirty (30) feet in height measured from the mean grade level to the highest point of the structure of the building.
17. Uses whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the granting authority finds that the proposed accessory use does not substantially derogate from the public good.
18. The practice of a profession, trade, or selling of real estate by a resident occupant subject to the following limitations:
  - (a) No more than one non-resident shall be employed therein.
  - (b) The use of the dwelling unit for the business use shall be clearly incidental and subordinate to its use for residential purposes by its occupant.
  - (c) The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to use, exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance, or in any other way.

#### SECTION IV

In DISTRICT B premises and/or buildings may be used for the following purposes only:

1. Any use designated or authorized in and for District A.
2. General farming and poultry raising with the exception of piggeries and the raising of mink and/or fox and only so long as it is not injurious, noxious or offensive to the neighborhood.
3. Docks, wharves, fish and shellfish business, party boat businesses, renting of row boats, motor boats, sailboats, and fishing gear, and sale of fish bait, also boat storage, boat repairs, boat building, marine railway, and activities reasonably necessary and related thereto.

4. Cabin Rentals.

5. Cottage rental units on a single parcel of land, provided that the land allocable to the first building whether dwelling or rental, shall contain an area of not less than 20,000 sq. ft. The land allocable to subsequent rental units shall contain an area of not less than 10,000 sq. ft. per unit. Cottage rental units hereunder shall remain as a single unit and may be sold only as such. Scaled site plans of cottage rental units shall be filed with the Building Inspector prior to issue of a building permit showing service drives and allocating 100 ft. frontage to the land for each rental unit, except that no cottage rental unit shall be erected upon any existing lot as shown on any subdivision or recorded plan that has been combined with any other such lot for the purpose of creating one lot for subdivision into cottage rental units under the provisions of this section.

## SECTION V

DISTRICTS C and D: In Districts C and D premises and/or buildings may be used for the following purposes only:

1. Any use designated or authorized in and for DISTRICTS A and B.

2. Stores, restaurants, filling stations, garages, repair shops, paint shops, antique businesses, furniture shops, manufacturing of house framing, cabinets, furniture, and like products, and motels, subject to specifications regulating their use as set forth in Section V-a, as amended.

2A. Public amusement areas will be allowed upon permit by the Board of Appeals upon an appeal to such Board, with a finding by said Board that the particular activity will not adversely affect the neighboring properties or general neighborhood, will serve the public convenience and welfare, and the use, in the particular case, will be in harmony with the general purpose and intent of the Zoning By-Law.

3. Buildings, structures, and premises may be used for any of the above lawful businesses and services, except junkyards, and in addition, for public utilities and for any industry or manufacturing if authorized by the Board of Appeals subject to appropriate conditions and safeguards.

4. In DISTRICTS C and D business buildings, except existing buildings, shall have a minimum set-back of 100 feet from all streets and highways. The side and rear lot lines of all commercial buildings, regardless of class of structure, shall not be less than 12 feet from such lines.

5. Structures for non-residential use shall not contain over three stories above mean grade level nor shall they exceed thirty feet in height measured from the mean grade level to the highest point

of the structure exclusive of chimneys, airshafts, ventilators, vents or similar items which may be of the height required for proper operation or use.

6. Landscaping Standards: Minimum Requirements for Commercial Buildings: Along the face of Buildings parallel to road or roads. Shrubbery and/or grass to a minimum width of ten feet with suitable curbing and walks.

ROAD BOUNDARIES: Shrubbery and/or grass to a minimum width of twenty feet parallel with road except in the areas required for entrance and exit. Shrubbery shall be located in such manner as to not block vision of entering or exiting vehicles.

PARKING LOTS: Customer Parking lots intended for use of twenty vehicles shall have areas of shrubbery, trees and grass containing a minimum of 400 square feet for each twenty vehicles or fraction thereof. These areas to be suitably dispersed throughout the entire parking area.

OUTDOOR DINING OR AMUSEMENT AREAS: Suitable shrubbery to create a hedge at least 36 inches high shall be installed between these areas and all roads. (These areas shall conform to the required setbacks of buildings from all roads and shall also be considered "Buildings" in the application of the first paragraph of these standards.)

#### SECTION V-A

1. The following uses are allowed in the "Permissive Use" area, provided said use or uses are not injurious, noxious or offensive to the neighborhood, and only if authorized by the Board of Appeals.

(a) HOTELS, MOTELS or INNS.

A Parking space of 125 square feet per rental unit, plus one additional parking space of 125 square feet for each ten rental units or fraction thereof, shall be required for motels.

#### DEFINITION OF MOTEL OR HOTEL STRUCTURES:

A structure containing not over 4000 square feet on one floor, exclusive of porches, sundecks, patios, raised terraces or similar items, divided into units containing living, sleeping and toilet facilities only. No individual kitchen or cooking facilities in units shall be permitted.

Structures shall be one story in height except where the terrain will allow the rear wall to be two stories in height. Rear wall is defined as the wall farthest from the road or roads off which the structure is located and parallel to said road or roads.

When more than one motel or hotel structure is erected on one lot, each structure shall be not less than fifty feet from any other structure on the lot. No structure shall be erected nearer than fifty feet from the lot side-lines nor nearer than twenty-five feet from the lot rear line.

(b) GIFT OR CRAFT SHOPS.

(c) BANK and/or Office Buildings.

2. A minimum 100 ft. set-back from the sidelines of the street or highway in the "Permissive Use" area is required for all uses specified in paragraph 1 of this section. (Except where existing buildings are used.)

3. LANDSCAPING STANDARDS as set forth in Section V.

## SECTION V-B

The Seashore District is intended to further preservation and development of the Cape Cod National Seashore in accordance with the purposes of the Act of Congress of August 7, 1961 (75 Stat. 284, 291); to prohibit commercial and industrial uses therein; to preserve and increase the amenities of the town; and to conserve natural conditions, wildlife and open spaces for the education, recreation and general welfare of the public.

### PERMITTED USES:

1. Conservation of land, water, wildlife, vegetation and other natural features and values.

2. Facilities deemed by the Secretary of the Interior to be necessary for the administration and public use and enjoyment of the Cape Cod National Seashore or deemed to be necessary by the Town of Eastham.

3. Recreation, including but not limited to, hunting, fishing, swimming and boating.

4. Gardening and traditional agriculture uses of cleared land, but excluding such objectionable uses as a piggery or the commercial raising of livestock, fur-bearing animals and poultry, or other uses injurious, noxious or offensive to the neighborhood.

5. Traditional commercial fishing activities, the opening of shellfish, and storage and use of fishing equipment.

6. Uses of existing dwellings as residences and accessory uses customarily incidental to the principal residential use of the same premises, provided such uses are not detrimental to a residential neighborhood and do not alter the essential character of the dwelling as a residence. Residential uses of dwellings may include the renting of rooms and furnishing of board by residents of the premises to overnight guests, if such uses do not alter the essential character of the dwellings as residences.

7. Customary home occupations as defined in Section III, Paragraph 7, of the Town of Eastham By-Laws, Rules and Regulations, but this shall not include the use of accessory structures as stores or for the display of goods to the passing public.

8. Moving, alteration, enlargement, maintenance, or repairs of existing one-family residential dwellings or the erection of customary structures which will be accessory to the existing principal residential use provided that such improvements to existing dwellings and the erection of accessory structures will afford not less than a fifty-foot set back from all streets measured at a right angle with the line of the streets and a twenty five foot distance from abutter's property lines, and further do not alter the essential character of the dwellings as a residence. In appropriate cases, the Board of Appeals may approve lesser set back or side yard requirements for improvements to existing dwellings or for the erection of accessory structures, provided they do not alter the residential character of the premises.

9. Religious and educational use.

10. Municipal use and public utilities.

11. Detached one-family dwellings and accessory structures, provided that no lot may be used for their construction which has a frontage of less than 150 feet, and an area of less than 3 acres, and no dwelling or building may be located in such a manner as to provide less than 50-foot setback from all streets measured at a right angle with the street line and a 25-foot distance from abutter's property lines.

Except as provided above, there shall be in the Seashore District:

1. No burning of cover unless determined by the Fire Chief to be necessary for the welfare and safety of the town and such burning shall be in accordance with the requirements of Section 13, Chapter 48 of the General Laws.

2. No filling of land, dumping, or removal of soil, loam, sand, or gravel in excess of 5 cubic yards.

3. No cutting of timber except; (a) by an owner for the purpose of reasonably controlling brush or trees; (b) maintenance cutting in pastures; and (c) cutting for clearance or maintenance on right-of-ways including those pertaining to public utilities or public highways.

4. No buildings or structures.

5. No commercial or industrial venture or activities.

6. No drainage, damming or relocation of any water course except by a publicly authorized agency for the purpose of pest control.

7. No continuous storage of materials or equipment. Applicants for variances or exceptions shall be promptly notified by the Board of Appeals that the Secretary of the Interior is authorized to withdraw the suspension of his authority to acquire, by condemnation, property which is made the subject of a variance or exception that, in his opinion, fails to conform or is in any manner opposed to or inconsistent with the purposes of the Cape Cod National Seashore. The Secretary of the Interior shall be given notice by the Board of Appeals, of all applications or petitions made for variances or exceptions to the by-laws for the Seashore District and he shall be provided notice by the Building Inspector of all applications for building permits involving the Seashore District within seven (7) days of receipt of the applications or petitions. The Secretary may be consulted at any time by zoning authorities or by the owner of "improved property" regarding the effect of a proposed variance or exception upon the status of the affected property with regard to the suspension of the Secretary's authority to condemn. The Secretary, within 60 days of the receipt of a request for such determination, or as soon thereafter as is reasonably possible, shall advise the owner or zoning authorities whether or not the intended use will subject the property to acquisition by condemnation.

Subsequently, to meet the requirements of the Act of Congress on August 7, 1961, the Secretary shall be given notice by the appropriate board of any variance, or exception, or building permit, granted or denied for the area within the Seashore District.

Approved by the Secretary of the Interior subject to an amendment to Article VIII which will specify a fifty (50) foot setback.

## SECTION VI

1. Lot Size: In District A, B, C, D and Permissive Use, no single family dwelling shall be built on a lot with an area of less than 20,000 square feet (or as specified in Section IV, paragraph 7) not any duplex dwelling on a lot with an area of less than 30,000 square feet.

2. In Districts C and D no business structure shall be built on a lot with an area of less than 20,000 square feet. In the Permissive Use District, no business structure shall be built on a lot with an area of less than 20,000 square feet.

3. In the Seashore District, the lot sizes and frontages shall be as specified in Section V-B, Article 11.

4. All building lots shall contain a rectangular area measuring at least 135 feet wide by 40 feet deep. This rectangular area shall be located on the lot so that the long dimension shall be parallel to a way where the lot frontage on the way is a straight line. Where the lot frontage on the way consists of a curved line, this rectangular area shall be located on the lot so that the long dimension is normal (i.e. at a right angle) to a radial line passing through the center of the arc comprising the curved frontage of the lot. Setback from the way of these rectangular areas on all lots shall be at least the minimum distance required by Paragraph 6 of this section.

5. These rectangular area requirements shall not apply to lots established prior to the adoption of this amendment provided such lots met all requirements of the Zoning Code in force at the time of adoption of this amendment. Furthermore these requirements shall not apply to lots in single ownership at the time of adoption of the Zoning By-Law by the Town of Eastham at the annual Town Meeting held on February 16, 1952 provided these lots are identified by deeds of record in the Barnstable County Registry of Deeds and that any structures to be placed on such lots can comply with all requirements of the Town Building Code By-Laws accepted at the Annual Town Meeting, February 16, 1948 or any amendments thereto, and the Plumbing Regulations as established by the Board of Health, August 15, 1966, or any amendments thereto, and to the Regulations for Disposal of Sewage as adopted by the Board of Health, April 18, 1955, or any amendments thereto.

6. The building lines of structures for human habitation shall not be nearer to the nearest boundary of any way than thirty (30) feet, nor nearer to the interior side and rear lot lines than twenty-five (25) feet; and if on land of single ownership, they shall not be nearer to each other than fifty (50) feet. The building lines of detached buildings which are necessary to structures for human habitation shall not be nearer to the nearest boundary of any way than thirty (30) feet, nor nearer to the interior side and rear lot lines than twelve (12) feet.

## SECTION VII

### NON-CONFORMING USES

1. Any lawful building, or any lawful use of a building or premises, or part thereof, existing at the time the Zoning By-Law was originally adopted in the area in which such building or use is located, may be continued, subject to the provisions of this Section.

2. Discontinuance of any non-conforming use including a granted variance or special permit for a period of one (1) year shall extinguish any rights as a non-conforming use except that the Board of Appeals may, within two (2) years after its extinguishment, revive said non-conforming use by special permit for good cause shown and upon a determination that the re-establishment of the non-conforming use will not be detrimental to the neighborhood nor substantially derogate from the public welfare.

3. Non-conforming buildings or structures may be extended or enlarged by a special permit from the Board of Appeals upon a determination that such change, extension or alteration is not more detrimental than the existing non-conforming use is to the neighborhood and that it will not be detrimental to the public welfare.

4. Any non-conforming building or structure which has been damaged by fire or other cause to any extent, may be repaired or re-built, provided the owner shall apply for a building permit and start operation for restoring or re-building of said premises within twelve (12) months after such catastrophe and further that said reconstruction comply with all other applicable State Laws and regulations and that such construction is continued through to completion as continuously and expeditiously as is reasonable.

5. Any lot lawfully laid out by plan or deed duly recorded, as defined in section eighty-one L of Chapter forty-one, or any lot shown in a plan endorsed with the words "approval under the subdivision control law not required" or words of similar import, pursuant to section eighty-one of Chapter forty-one, which complies at the time of such recording or such endorsement, whichever is earlier, with the minimum area, frontage, width, and depth requirements, if any, of the zoning ordinances or by-laws in effect in the Town of Eastham notwithstanding the adoption or amendment of provisions of a zoning ordinance or by-law in the town imposing minimum area, frontage, width, depth or yard requirements, or more than one such requirement, in excess of those in effect at the time of such recording or endorsement (1) may thereafter be built upon for residential use if, at the time of the adoption of such requirements or increased requirements or while building on such lot was otherwise permitted, whichever occurs later, such lot was held in ownership separate from that of adjoining land located in the same residential district, or (2) may be built upon for residential use for a period of five (5) years from the date of such recording or such endorsement, whichever is earlier, if at the time of the adoption of such requirements or increased requirements, such lot was held in common ownership with that of adjoining land located in the same residential district; and further provided, in either instance, at the time of building (a) such lot has an area of 10,000 (ten thousand) square feet or more of contiguous upland and a frontage of fifty (50) feet or more, is in a district zoned for residential use, and conforms except as to area, frontage, width and depth with the applicable provisions of the zoning ordinance or by-law in effect in the town and (b) any proposed structure is to be located on such lot so as to conform with the minimum requirements of front, side and rear setbacks, if any in effect at the time of such recording or such endorsement, whichever is earlier, and to all



other requirements for such structure in effect at the time of building.

6. Buildings in a Cottage or Cabin Colony may not be converted into single family dwelling use under separate ownership unless the lot upon which each building is located complies with the minimum requirements for single family dwellings in the zoning district in which the land is located and such cabin or cottage colony may not be converted into single family use under condominium type ownership or any other type or trust or stock ownership arrangement unless the lot upon which each building is located meets the minimum requirements for single family dwellings.

## SECTION VIII

### PROHIBITED USES

The following uses shall be prohibited in the Town of Eastham, namely in the following districts:

- (a) Residential and Agricultural, District A.
- (b) Residential and General Farming, District B.
- (c) Commercial, Districts C and D.
- (d) Permissive Use.
- (e) Seashore District

On-shore commercial facilities to service or support or accommodate off-shore exploration or drilling for fossil fuels, including oil and gas storage tanks, pipelines, warehouses, or dockside or heliports, airports, airstrips and all air support facilities whose purpose or intention or principal business is to accommodate, or service, or support the on-shore use of the Town of Eastham for off-shore exploration, drilling and transportation of fossil fuels including but not limited to oil and gas.

## Section IX

### FLOOD PLAIN ZONING

A. Permits for new construction, alteration of structures, or other development (any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations), at or below the Base Flood Elevation as specified with the A and V zones, as determined by the Flood Insurance Study and as designated on special F.I.A. Flood Insurance Rate Maps, numbers 25006 0001 - 0005, shall be approved subject to the following:

1. New construction or substantial improvement (repair, construction or alteration costing 50% or more of the market value of the structure before improvement, or if damaged, before damage occurred) of residential structures shall have the lowest floor (including basement) elevated to not less than base flood elevations. New construction or substantial improvement of nonresidential structures shall either be similarly elevated or, together with attendant utility and sanitary facilities, be flood-proofed to not less than base flood elevations.

2. Where floodproofing is utilized in accordance with Section 1, a registered engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

3. Any new construction or substantial improvement to be undertaken within said district shall be in accordance with the Massachusetts Uniform Building Code, Section 748.0. The Building Inspector shall (a) review all proposed development within the flood district to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Acts Amendments of 1972, U.S.C. 1334; (b) obtain and maintain records of elevation and floodproofing levels for new construction or substantial improvement within the flood district.

4. Any new construction, alteration of structures or other development which is removed from the A or V zones by subsequent flood insurance map amendments shall only have to meet the requirements of its new zone designation.

5. All subdivision proposals and other proposed new developments greater than five (5) acres shall include within such proposals base flood elevation data.

6. Subdivision proposals and proposals for other developments, including their utilities and drainage, are located and designed to be consistent with the need to minimize flood damage.

7. No land area within areas designated as V (velocity) zones on the F.I.A. Flood Insurance Rate Maps shall be developed unless such development is demonstrated by the applicant to be located landward of the reach of the mean high tide. All new construction and substantial improvement within the V zones shall be (a) located on adequately anchored pilings or columns, and securely anchored to such piles or columns so that the lowest portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation; and (b) certified by a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash. The following shall be prohibited:

- a. Any man-made alteration of sand dunes and salt marshes which might increase the potential for flood damage.
- b. Use of fill.
- c. Mobile homes.

8. The Zoning Board of Appeals may authorize exceptions from flood regulations by Special Permit within the flood areas in accordance with Section VIII (2), as in any other zoning district within the Town of Eastham, and may grant Special Permit from these requirements in the case of new structures or substantial improvements to be erected on a lot contiguous to and surrounded by lots with existing structures and constructed below the base flood elevation, provided the following are met:

- a. A show of good and sufficient cause.
- b. A determination that failure to grant the Special Permit would result in exceptional hardship to the applicant.
- c. A determination that the Special Permit will not result in increased flood heights, additional threats to public safety, or environment, extraordinary public expense, or any conflict with requirements in

accordance with Chapter 40A of the Massachusetts General Laws.

- d. The Zoning Board of Appeals has notified the applicant for the Special Permit, in writing, that the actuarial rates will increase as the first floor elevation decreases, and that such construction below base flood elevation level increases risks to life and property.
- e. Favorable recommendation from the Board of Health on all structures requiring sewerage disposal and/or water supply.
9. Upon the granting of such a Special Permit or permits, from Section VII (2), the Zoning Board of Appeals shall maintain a record of all such special permits granted by the Board, including justification for their issuance, and report such special permits in its annual report to the Flood Insurance Administrator in accordance with the Department of Housing and Urban Development Guidelines.
10. The Zoning Board of Appeals may grant a Special Permit for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in Section seven (7) above.
11. Where these floor area provisions impose greater or lesser restrictions or requirements than those of other applicable by-laws or regulations, the more restrictive shall apply.
12. The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof.

#### ADMINISTRATION

1. Board of Appeals. There shall be a Board of Appeals consisting of five members and two associates, all to be appointed by the Board of Selectmen, with the powers as provided in General Laws, Chapter 40, Section 30, which shall act on all matters within its jurisdiction under this By-Law in the manner prescribed in said Chapter of the General Laws.
2. Special permits shall only be issued after a public hearing; which shall be held within sixty-five (65) days after the filing of a special permit application with the Town Clerk, or special permits granting authority as may be required under Chapter 808 of the Acts of 1975, as amended.
3. Construction or operations under a building or special permit shall conform to any subsequent amendments or the ordinance or by-laws unless the use or construction is commenced within a period of not more than six (6) months after the issuance of the permit in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
4. All special permits and variances shall lapse one (1) year from date of issue unless construction or operation under said permit has commenced. If a matter is under court appeal, a special permit or variance shall be deemed issued on the date that a final court determination enters in the case.
5. This By-Law shall be enforced by the Building Inspector. The Building Inspector may resort to the Courts for injunctions or other appropriate remedies.
6. PENALTIES. The penalty for violation of any provision hereof shall be a fine of not more than \$20.00 for each offense. Each violation and each day of violation shall constitute a separate offense, punishable by a fine as aforesaid.

#### SECTION XI

1. VALIDITY; The invalidity of any sentence, provision or section of this By-Law shall not be construed to invalidate any other part thereof.
2. AMENDMENTS: This By-Law may be altered, repealed, or amended in accordance with the law.

Accepted at Annual Town Meeting, Feb. 18, 1952. Approved by the Attorney General July 1, 1952.

Amendments approved by the Attorney General June 10, 1953, March 16, 1954 February 24, 1958, March 9, 1959, June 7, 1960, March 9, 1961, June 6, 1963 April 2-June 9, 1964, March 5, 1965, June 30, 1966, March 20, 1970, March 9, 1971, March 10, 1972, March 14, 1975, August 16, 1978 February 11, 1980, May 4, 1981, August 15, 1985.

SIGN CODE  
AS ADOPTED AT  
SPECIAL TOWN MEETING

MAY 11, 1966  
Amended at Town Meeting  
May 1, 1978

Approved by the Attorney  
General-June 30, 1966

SIGN CODE DEFINITIONS-

(a) Temporary Signs: All signs such as "For Rent", "For Sale", signs advertising public events and contractor's and builder's signs, used during the process of remodeling or construction, shall be classified as temporary signs.

(b) Permanent Signs: Permanent signs shall mean all advertising devices or insignia, whether lettered or not, designed to promote a business, the sale of a product or a service. Signs must be supported by a frame or post erected for that purpose and must not be fastened to trees or other natural features. Name signs identifying the resident occupant of residential property shall be exempt from registration, fees and support requirements, but shall comply with the size regulations for the Zoning District in which the sign is located.

(c) Display of Goods: Display of goods for sale shall not constitute a sign provided that the quantity displayed shall not be considered injurious, obnoxious or offensive to the neighborhood, and that no structure be erected for the purposes of display that would create the equivalent of a sign.

(d) Directional and Identificational signs, single or double faced, not exceeding two (2) square feet on one side shall be permitted in all Districts of the Zoning By-Law without registration. Such signs shall be for the purpose of providing information and shall not promote the sale or use of a product. The Building Inspector may direct the location and quantity of those signs using the guidelines of public safety and preservation of the neighborhood.

(e) Symbol: A conventional symbol or emblem which represents an idea.

(f) Business Unit: A separately owned and operated business with a minimum of five hundred (500) square feet of floor space.

GENERAL

(a) Temporary Signs: Temporary Signs shall conform to all requirements of the Sign Code for the District in which the sign is displayed. Signs advertising coming public events, whether on public or private land, shall not be displayed earlier than 14 days prior to the event and shall be removed 24 hours after the event has occurred, except this time period for removal may be extended to 48 hours if the day following an event is a Sunday or a Holiday.

(b) Political Signs: Political signs or posters shall not be erected on public property. All such signs shall conform to the code for the Zoning District in which the sign is erected, and all signs shall be removed within seven days after the event for which they were erected. Failure to remove such signs will be a violation of this ordinance for which the property owner on whose property the sign is erected will be liable. If the property owner is a non-resident at the time for removal of said signs, an additional period of 14 days shall be granted, after mailing of a written notice of the violation to the last known address for compliance with this regulation.

(c) Exceptions: Nothing in this code shall modify or in any way control the existing rights of the Secretary of the Interior to erect signs on Federally owned property as specified in Section V. The right of the Town and the State to erect signs on public property for traffic control, identification of areas, posting of regulation, and similar notice and/or signs shall not be affected by this Code provided that all signs erected by the Town shall comply with the requirements of the Zoning District in which the sign is erected.

## SECTION I

1. PERMIT REQUIRED: In DISTRICT A,B,C,D and Permissive Use District, no permanent sign or signs, as defined above, shall be erected on public or privately owned land prior to the granting of a permit for the erection of said sign or signs by the Building Inspector.

1. APPLICATION FOR PERMIT: Application for a permit for erection of a permanent sign or signs shall be accompanied by a sketch and/or photograph showing the material, design and size, type of lettering, colors and illumination, and a plot plan showing all roads, ways, driveways, parking areas, buildings, etc., of the site where the sign or signs will be erected. Locations for the sign or signs shall be indicated on the plot plan. The fee for this permit shall be \$2.00 per sign.

3. APPROVAL OR PERMIT: Upon receipt of an application for the erection of a sign, the Building Inspector shall submit the application to the Architectural Advisory Committee for their recommendations. He shall submit their recommendations to the Board of Selectmen and upon receipt of their approval and recommendations, may then issue a permit for the erection of the sign or signs in accordance with their instructions. The permit shall be lettered in a lower corner of each sign in such manner as to be legible from the ground level.

Application for a permit for erection of a sign must be acted upon within thirty days from receipt of the application.

## SECTION II

1. Permanent Signs: The display of not more than two double faced signs shall be permitted. Signs shall pertain to the resident occupant's business or profession or to the use of the property as authorized under Section III of the Zoning Code and must be erected on the resident occupant's property. Signs shall not have a total area of over twenty-four square feet counting both sides of all signs. No single sign shall have a total area of over twelve square feet per side. Said signs shall not be illuminated by means of flashing lights nor by lighting in such a manner as to create a traffic hazard.

2. Temporary Signs: Temporary signs may be erected or removed at the pleasure of the owner of the property on which the sign or signs are erected within the requirements of the definition of "temporary signs."

3. Street Signs: Street name signs for private ways shall be of the type used by the Town of Eastham, or of equivalent legibility and appearance and shall be erected at least two (2) feet from the outer edge of the street shoulder. Ladder type signs at street intersections listing names of residents of the street may be erected provided a permit is granted by the Building Inspector under procedures of Section 1. Such signs must be supported by a frame or post erected for that purpose and must not be fastened to trees or other natural features. Regardless of the number of names on the sign, the sign shall be considered as one sign for purposes of fees. "Ladder" type signs shall comply with the size regulations for the Zoning District in which the sign or signs are erected.

## SECTION III

## District B

1. Permanent Signs: The display of not more than two double faced signs shall be permitted. Signs shall pertain to the resident occupant's business or profession or to the use of the property as authorized under Section III of the Zoning Code and must be erected on the resident occupant's property. Signs shall not have a total area of over twenty-four square feet counting both sides of all signs. NO single sign shall have a total area of over twelve square feet per side. Said signs shall not be illuminated in such a manner as to create a traffic hazard.

2. Temporary Signs: Temporary signs may be erected or removed at the pleasure of the owner of the property on which the sign or signs are erected within the requirements of the definition of "temporary signs".

3. Street Signs: Street name signs for private ways shall be of the type used by the Town of Eastham, or of equivalent legibility and appearance, and shall be erected at least two (2) feet from the outer edge of the street shoulder. Ladder type signs at street intersections listing names of residents of the street may be erected provided a permit is granted by the Building Inspector under procedures of Section 1. Such signs must be supported by a frame or post erected for that purpose and must not be fastened to trees or other natural features. Regardless of the number of names on the sign, the sign shall be considered as one sign for the purpose of fees. "Ladder" type signs shall comply with the size regulations for the Zoning District in which the sign or signs are erected.

## SECTION IV

### Permissive Use Areas

Signs for other than the permitted uses in this area must comply with the regulations for the Zoning District in which the Permissive Use area is located except that the regulations for signs for cottage or cabin colonies or tourist courts, where permitted, may be the same as those permitted for Hotels or Motels in this district. Signs for the permitted uses in this area shall comply with all regulations for Zoning Districts C and D.

## SECTION V

### Sign Regulations Seashore District

The display of not more than one single-faced or one double-faced sign on property of a residential occupant which shall pertain to the occupancy, sale or rental of such property as herein authorized. Such signs shall not exceed two square feet in area and shall not be of a type or style employing or using neon, fluorescent, or other direct illumination, provided that the above limitation shall not apply to facilities deemed by the Secretary of the Interior to be necessary on Federally owned property for administration and public use and enjoyment of the Cape Cod National Seashore or to facilities of the Town of Eastham on Town-owned land.

## SECTION VI

### Districts C and D

1. Permanent Signs: The display of not more than two (2) free-standing signs provided they are at least 300 feet apart and one sign on the building shall be permitted. Where a single or multiple business is located on two or more roads, a separate sign will be allowed on each road. On premises where multiple businesses are conducted, one sign may be allowed on the building or buildings for each separate business unit conducted therein. No portable or moveable signs will be allowed.

2. On building or buildings: A single-faced sign with a total area not in excess of twenty-four (24) square feet per business when a sign or signs as specified under "Free-standing" is on the property. If letters are applied to the building without a border or background, the over-all height and width of the letters and wording together with any symbols or related facing shall not exceed the area indicated herein. If no free-standing sign or signs are on the premises the signs on the building shall be single-faced with a total area not in excess of fifty (50) square feet per business.



3. Off-premises signs will be allowed provided permission is granted by the off-premise property owner. No more than one off-premise sign per business will be allowed. Off-premise signs shall be ladder type for two or more businesses. Size of sign for any one business shall not exceed three (3) square feet. No portable or moveable signs will be allowed. Businesses with frontage on Route 6 will not be permitted to have off-premises signs.

4. A free-standing sign shall not exceed ten feet in height from ground elevation nor have a horizontal dimension greater than ten feet. Location of free-standing signs with great respect to setback from roads, ways, property lines and/or buildings shall be as required by the Board of Selectmen, who may consider public conformation with existing practices or the effect on the neighborhood in making their determinations. Illuminated signs shall not have glare distracting to drivers nor shall there be any exposed neon or gas-filled signs or illumination that will conflict with the ability to readily see traffic lights or cause any hazardous condition therefrom. There shall be no flashing, rotating or oscillating supplementary lighting. There shall be no display of temporary advertising devices such as streamers, posters, pennants, and similar promotional devices. Gasoline stations and garages shall be allowed the standard permanent oil company signs in addition to the name signs, plus the customary lubrication, washing and service signs displayed in the position on the building to which they apply.

Free-standing sign areas permitted.

(a) For individual or single business use each sign on premises shall not be in excess of fifty (50) square feet on one side or a total sign area not in excess of one hundred (100) square feet.

(b) For multiple business use, each sign on premises shall not be in excess of sixty (60) square feet on one side or a total sign area not in excess of one-hundred twenty (120) square feet.

(c) Free-standing sign areas shall include any and all accessory or supplementary signs such as "open," "closed," "vacancy," "no vacancy," credit card names, and endorsement names.

5. Illumination of business structures and/or areas shall not be of such intensities as to be injurious, obnoxious or offensive to the neighborhood, nor shall it constitute a traffic hazard.

## SECTION VII

### Registration of Existing Signs

All permanent signs in existence at the effective date of this amendment shall be registered with the Building Inspector in the manner provided in "Application for permit" within 12 months of the effective date. The Building Inspector shall issue a permit for such signs without consulting the Architectural Advisory Committee or the Board of Selectmen when such signs fully comply with the requirements of the Zoning District in which the sign is erected. Existing businesses made non-conforming by the adoption of the Zoning By-Law, shall be entitled to all signs permitted to conforming businesses. The Building Inspector shall issue permits for such signs in the same manner as for signs for conforming businesses.

## SECTION VIII

### Non-conforming Signs

All non-conforming signs shall be discontinued within two years of the effective date of this amendment unless a special permit has been previously granted by the Board of Appeals.

## SECTION IX

### Administration

1. Appeal: An applicant shall have the right of appeal to the Board of Appeals for a variance from any section of this code and also from the refusal by the Building Inspector to issue a permit for the erection of a sign or signs.

The Board of Appeals may consider in their deliberations as a basis for granting of waivers favorable recommendations from the Architectural Advisory Committee, the Planning Board and the Building Inspector.

2. Enforcement: This Sign Code By-Law shall be enforced by the Building Inspector. The Building Inspector may resort to Courts for injunctions or other appropriate remedies.

3. Penalty: Any permanent sign erected without the issuance of a permit for this sign and any failure to comply with the requirements of Sign Permit Registration and non-conforming Sections of this Code shall constitute a violation of this Code. Penalty for such violation shall be a fine of not more than \$20.00 for each violation. Each violation and each day of violation shall constitute a separate offense, punishable by fine as aforesaid.

## SECTION X

1. Validity: The invalidity of any sentence, provision or section of this By-Law shall not be construed to invalidate any other part thereof:

2. Amendments: This By-Law may be altered, repealed, or amended in accordance with the law.

## SUBDIVISION REGULATIONS

### SECTION I

#### Authority

Under the authority vested in the Planning Board of the Town of Eastham by Section 81-Q of Chapter 41 of the General Laws, said Board hereby adopts these rules and regulations governing the subdivision of the land in the Town of Eastham. Such rules and regulations shall be effective on and after the 1st day of April, 1954.

SUBDIVISION  
REGULATIONS AS  
AMENDED  
BY

EASTHAM PLANNING  
BOARD

MAY 22, 1986

are available at the Town Clerk's Office



## SECTION II

## General

## 1. Definitions

"Subdivision" shall mean the division of a tract of land into two or more lots in such a manner as to require provision for one or more ways, not in existence when the subdivision control law became effective in the Town of Eastham. To furnish access for vehicular traffic to one or more of such lots, and shall include re-subdivision.

"Board" shall mean the Planning Board of the Town of Eastham.

## 2. Plan Believed Not to Require Approval

Any person who wishes to cause to be recorded in the Registry of Deeds, or to be filed with the Land Court, a plan of land and who believes that his plan does not require approval under the Subdivision Control Law, may submit his plan to the Planning Board accompanied by the necessary evidence to show that the plan does not require approval. The Planning Board must receive two (2) copies of all Approval Not Required Plans. These plans shall be prepared by a Registered Land Surveyor.

If the Board determines that the plan does not require approval, it shall without a public hearing and within 14 days of submission, endorse on the plan the words "Planning Board Approval under Subdivision Control Law not required." Said plan shall be returned to the applicant and the Board shall notify the Town Clerk of its action.

If the Board determines that the Plan does require approval under the Subdivision Control Law, it shall within 14 days of submission of said plan, so inform the applicant and return the plan. The Board shall also notify the Town Clerk of its determination.

An examination fee of \$25.00 (25 dollars) shall be required for each subdivision of "Approval not required" plans.

## 3. Subdivisions

No person shall make a subdivision within the meaning of the Subdivision Control Law of any land within this Town, or proceed with the improvement or sale of lots in a subdivision, or the construction of ways, or the installation of municipal services therein, unless and until a Definitive Plan of each subdivision, has been submitted to and approved by the Planning Board as hereinafter provided.

## 4. Road Standards

## (a) Existing unimproved private way.

An existing unimproved private way shall be a way established prior to the adoption of this amendment that is not cleared, graded, drained, hardened or surfaced. Before the Board of Selectmen shall act on a petition for the acceptance by the Town of Such a way, the petitioners shall have prepared by a registered land surveyor, a clear and legibly drawn plan, to a suitable scale, in black India ink on tracing cloth. This plan shall contain the following information:

Location of the road in respect to all adjacent or intersecting roads, public and private.

Layout of road showing all necessary dimensions to reproduce the road on the ground.

Drainage facilities and/or drainage easements, names and addresses of all abutters.

The Petitioners shall install sufficient permanent concrete bounds to define the road. The petitioners shall also be required to post a performance bond with the Town of Eastham assuring that if the road should be accepted by the voters of the Town of Eastham, all the requirements specified by the design standards would be met. All costs of preparing plans, procurement of bonds and construction of road or way to meet the design standards shall be borne by the petitioners.

Design standards shall be those shown under Subdivision Regulations, Section IV, Design Standards.

(b) Existing Improved private way.

An existing improved private way shall be a way established prior to the adoption of this amendment that has been constructed in accordance with Town of Eastham standards existing at the time of construction including clearing, grading, hardening, black topping and drainage. The Board of Selectmen may act on a petition for the acceptance of such a way without requiring any or all of the requirements listed in paragraph (a) if the petition is approved by the Planning Board and the Highway Surveyor.

(c) Upon approval by the Board of Selectmen of a petition for Town acceptance of a private way under the conditions stated in either (a) or (b), the Selectmen shall submit an article to the next annual Town Meeting to the voters of the Town for their action on the petition.

(d) The Board of Selectmen may waive any requirements of the Design Standards listed in paragraph (a) or any deviation from Town Standards listed in paragraph (b) that, in their opinion, would not be detrimental to the Town of Eastham. If any such waiver will result in an expenditure of public monies to accomplish the requirements waived, the Board of Selectmen must present this cost to the Town Meeting acting on the petition for acceptance of the private way.

### SECTION III

#### Procedure for the Submission and Approval of plans Preliminary Plan

##### 1. General

A Preliminary Plan of a subdivision may be submitted by the subdivider for the discussion and tentative approval by the Board.

The submission of such Preliminary Plan will enable the subdivider, the Board, other municipal agencies and owners of properties abutting the subdivision to discuss and clarify the problems of such subdivision before a Definitive Plan is prepared. Therefore, it is strongly recommended that a Preliminary Plan be filed in every case.

##### 2. Contents

The Preliminary Plan may be drawn on tracing paper with pencil at suitable scale and two prints shall be filed at the office of the Board. Said Preliminary Plan should show sufficient information about the subdivision to form a clear basis for discussion of its problems and for the preparation of the Definitive Plan. Such information will include major site features such as existing stone walls, fences, buildings, large trees, rock ridges, and outcroppings, swamps, and water bodies and existing topography as required, together with the information required for the Definitive Plan (Section III-B-2 items "A" to "D" inclusive).

During discussion of the Preliminary Plan the complete information required for the Definitive Plan (Section III-B-2 Contents) will be developed.

### 3. Tentative Approval

The Planning Board may give such Preliminary Plan its tentative approval, with or without modification. Such tentative approval does not constitute approval of a subdivision, but does facilitate the procedure in securing final approval of the Definitive Plan.

## Definitive Plan

### 1. General

Any person who submits a Definitive Plan of a subdivision to the Planning Board for approval shall file with the Board the following:

(a) An original drawing of the Definitive Plan and two contact prints thereof, dark line on white background. The original drawing will be returned after approval or disapproval.

(b) A properly executed Application Form (to be secured from the Town Clerk).

(c) A minimum fee of twenty-five (25) dollars per lot for each application for approval of a subdivision.

The applicant shall file by delivery or registered mail a notice with the Town Clerk stating the date of submission for such approval and accompanied by a copy of the completed Application Form.

### 2. Contents

The Definitive Plan shall be prepared by a Registered Land Surveyor and shall be clearly and legibly drawn in black India ink upon tracing cloth. The plan shall be at a scale of one inch equals forty feet or such other scale as the Board may accept, to show details clearly and adequately. Sheet size shall preferably not exceed 24" by 36". If multiple sheets are used, they shall be accompanied by an index sheet showing the entire subdivision. The Definitive Plan shall contain the following information.

(a) Subdivision name, boundaries, north point, date and scale.

(b) Name and address of record owner, subdivider or surveyor.

(c) Names and addresses of all abutters as they appear in the most recent tax list.

(d) Profiles and typical cross sections of proposed ways or streets. This information may be on the same sheet as the definitive plan or on a separate sheet. This requirement may be waived on review of the Preliminary Plan if the Board determines such information is not necessary. The Definitive Plan shall indicate proposed layout of drainage systems, including details or specifications of drainage structures, piping and other materials.

(e) Sufficient data to determine the location, direction and length of every street and way line, lot line and boundary line, and to establish these lines on the ground. All bearings to be referred to Massachusetts prime meridian, when applicable, or to that of adjacent defined streets.

(f) Location of all permanent monuments properly bounding or approaching or within reasonable proximity of the subdivision,

(g) Location, names and present widths of streets bounding or approaching or within reasonable proximity of the subdivision. All new streets shall be named. New street names shall not conflict with names of existing town streets.

(h) Suitable space to record the action of the Board and the signatures of the members of the Board (or officially authorized person).

(i) Existing and proposed topography is to be at contour interval of two (2) feet. Datum to be Mean Sea Level.

(j) All surveys to be made with accuracy resulting in a minimum

error of closure 1 to 10,000.

3. Review by the Board of Health as to suitability of the Land.

The Planning Board shall within ten days after submission of a plan to it, consult with the Board of Health. If the Board of Health is in doubt as to whether any of the land in the subdivision can be used as building sites without injury to the public health, it shall so notify the Planning Board in writing within thirty days. Any approval of the plan by the Planning Board shall then only be given on condition that the lots of land as to which such doubt exists shall not be built upon without the prior consent of the Board of Health, and shall endorse on the plan such conditions, specifying the lots of land to which said condition applies.

4. Public Hearing:

Before approval, modification and approval, or disapproval of the definitive plan is given, a public hearing shall be held by the Planning Board. Notice of the time and place of such hearing and of the subject matter, sufficient for identification, shall be given by the Board at the expense of the applicant by advertisement in a newspaper of general circulation in the town once in each of two successive weeks; the first publication being not less than fourteen days before the days of such hearing. A copy of said notice shall be mailed to the applicant and to all owners of land abutting upon the subdivision as appearing in the most recent tax list.

5. Certificate of Approval

The Action of the Board in respect to such plan shall be by vote, copies of which shall be certified and filed with the Town Clerk and sent by Special Delivery or registered mail to the applicant. If the Board modified or disapproves such plan, it shall state in its vote the reason for its action. Final approval, if granted, shall be endorsed on the original drawing of the Definitive Plan by the signatures of the majority of the Board (or by the signature of the person officially authorized by the Board) but not until the statutory twenty-day appeal period has elapsed following the filing of the certificate of the action of the Board with the Town Clerk and said Clerk has notified the Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the applicant shall furnish the Board with four (4) prints thereof. Final approval of the Definitive Plan does not constitute the laying out or acceptance by the Town of streets within a subdivision.

6. Fee in the Way

The subdivider or developer shall retain the fee in all ways to be created in any subdivision.

7. Access

Suitable access must be provided for any subdivision.

## Section IV

### Design Standards

1. The Board shall require a minimum lot area of 20,000 square feet and frontage requirements shall be as set forth in the Zoning By-Laws, Section VI, Paragraph 4. The building line to be indicated on plan for all lots where applicable.

2. The minimum width of street right-of-ways shall be forty (40) feet.

3. Property lines at street intersections shall be rounded to provide for a curb radius of not less than 20 feet.

4. Dead end streets shall be provided at the closed end with a turn-



around having a property line diameter of at least ninety (90) feet.

When ways requiring turnarounds may be extended in future subdivisions, the Board may require only an area equal to the above requirement to be shown and marked "Reserved for turning." Upon extension of the way through this turning area the portions not included in the way shall revert to their respective lots.

5. All streets in the subdivision shall be continuous wherever practicable.

6. Provisions satisfactory to the Board shall be made for the proper projection of streets, or for access to adjoining property not yet subdivided.

7. Grades of all streets shall be the reasonable minimum but shall not be more than 8 percent maximum. Where streets intersect with existing Town roads, there shall be a 0 degree or minus grade.

8. At each corner of all lots and subdivision perimeters, permanent monuments of reinforced concrete or stone shall be required to readily reproduce the subdivision and each lot on the ground. These monuments shall be at least 5" by 5" in cross-section and 32" in length.

9. On land of single ownership where the intent is to subdivide into no more than two lots of legal area and an access is required for one lot, this access may be exempt from any or all of the requirements of the design standards. The requirement for lot frontage on the lot served by this access may also be waived. It shall be at the discretion of the Board to grant these waivers and to set requirements for the access, any such access established by the approval of this access. There shall be no further subdivision of the lot serviced by the access established. Any access established under this provision of waiver of design standards shall not be subject to acceptance by the Town as a public way. In the subdivision of land, lots which require an access shall not be located so that the accesses are adjacent or back-to-back.

10. Prior to the issuance by the Building Inspector of a building permit for any structure in any subdivisions approved subsequent to the adoption of this By-Law, streets servicing the lot or lots for which the permit is desired must meet the following specifications:

(a) All trees, brush, stumps, roots, etc. must be removed for a minimum of thirty (30) feet and shall be removed from the premises.

(b) Street must be graded in accordance with (7.)

(c) Sub-base shall be constructed with a minimum of 6" of clay or loam hardening or 4" of dense graded stone, for the full width of paved surface and berms. Sub-base shall be thoroughly compacted.

(d) The paved surface shall be a minimum of twenty (20) feet wide (without berms) and shall be constructed of Bituminous Concrete Type 1-1 placed in two (2) layers. Base course to be 1½" of binder; top course to be 1". Overall thickness to be a minimum of 2½" after compaction and the construction methods shall conform with those required in Section B 18, Standard Specifications for Highways and Bridges, Commonwealth of Massachusetts, as amended. (mix in place paved surface will not be allowed). Turnarounds on Dead End streets shall have a minimum paved radius of thirty-five (35) feet. Paved surface generally to be on centerline of the way. Provide four (4) foot minimum width hardened, topsoiled and seeded shoulders on each side of road, excluding berms, where cut or fill are required.

Roads may also be constructed of concrete. Specifications for concrete road construction shall be submitted to the Planning Board for approval and shall have the following minimum requirements; Concrete to be a minimum 4" thick, 4500 psi minimum strength, with 4" slump, 6-7% air-entraining agent, no steel reinforcement, a saw cut every 15 feet (¼" wide & ½" deep); installed in 2 pours for width to form crown and berms; spray-

on curing agent. Specifications for concrete roads shall generally conform to standards established by the Portland Cement Association.

(e) Bituminous concrete berms, 2 feet minimum width on road asphalt base or binder course, shall be installed on each side of road wherever road grade exceeds 3 per cent.

(f) Road drainage, including lines and structures shall be constructed to meet storm characteristics acceptable to current engineering standards. Road drainage structures shall be placed not over 400 feet apart or as determined by the Planning Board or its representative. Catch basins, leaching basins or leaching fields shall be adequate for conditions encountered. Structures shall be precast units or constructed on-site with masonry units. Grates and frames shall be of Massachusetts Standard grate type and shall conform with Mass. Dept. of Public Works specifications.

Catch basins shall be of solid construction (masonry or precast concrete) with sump, overflow and grate, located in the road to receive surface water. Leaching basins shall be of masonry or precast concrete and located off the road and connected to catch basins with concrete, asphalt-coated, corrugated aluminum or steel pipe-minimum 10" diameter. No PVC pipe allowed. All leaching basins shall have two (2) foot minimum width of 1½" stone around circumference and for full depth of leaching portion of the basin; covers shall be precast concrete with stone markers set at grade to locate same.

No portion of drainage system shall be back-filled until an onsite inspection has been made by the Highway Surveyor or its representative.

(g) The sub-divider or his representative shall inform the Highway Surveyor or its representative at least 24 hours and not more than 48 hours (excluding Saturdays, Sundays and Holidays) prior to commencing any phase of road construction, for onsite inspection and subsequent endorsement (or non-endorsement). Prior to inspection, the road centerline shall be established for construction purposes. Inspections shall be made at the following intervals:

- (1) When clearing, sub-grade, hardening and drainage in place.
- (2) To check binder course and thickness of material.
- (3) When finished road surface and berms are in place.
- (4) When slopes and shoulders are loamed and graded, and street signs and bounds are installed.

(h) All new utility lines shall be installed underground.

(i) The subdivider shall install street signs for all roads. Signs shall be in accordance with Town of Eastham Standards and shall be located to properly identify all roads. Refer to Sign Code, Section III.

(j) On completion of roads, drainage, and street signs, subdividers shall submit an Affidavit certifying that work is done in accordance with Section IV DESIGN STANDARDS. Form for an Affidavit to be as required by the Town. Road construction and drainage shall be completed in two (2) years under Design Standards in force at the time work is to be performed. Roads shall be maintained for two (2) years by subdivider after release of convenient.

11. To insure compliance with all applicable requirements of these Design Standards all plans shall have the following note lettered adjacent to the records of Board approval as a condition of approval;

"No lots may be conveyed and no building permits will be issued by the Town of Eastham until all applicable requirements of Section IV, Design Standards of the Subdivision Regulations have been met". (The Planning Board at its discretion may approve partial covenant releases)

Further, before approval of a Definitive Plan of a subdivision, the Board may require that a bond be filed by the subdivider, in an amount determined by the Board to be sufficient to cover the cost of improvements specified above, and approved as to form and sureties by the Town Treasurer, conditioned on the satisfactory completion of such improvements within such period of time, if any, as the Board may specify in the bond.

A total or partial release from such bond may be obtained when the required improvements are complete, in whole or in part, as set forth in the bond.

In the event that the developer fails to perform satisfactorily the requirements set forth in the bond within the specified period of time, if any, the then outstanding principal amount (penal sum) of the bond shall be payable to the Town as provided by law, to the extent of the reasonable cost to the Town of the completion of the improvements required under the bond. In such case, the approval by the Planning Board of the Definitive plan of the subdivision may be rescinded.

(a) All lots established under the provisions of the Subdivision Code must be of sufficient depth to permit the erection of a building thereon.

This requirement shall not apply to a lot that, after approval of the subdivision plan, will be conveyed to the owner of an adjoining lot and thence becoming an integral part of said adjoining lot. This intention of conveyance shall be noted on the Definitive Plan.

## SECTION V

### Administration

#### Variation

Strict compliance with the requirements of these rules and regulations may be waived when in the judgement of the Board, such action is in the public interest and not inconsistent with the Subdivision Control Law.

#### Reference

For matters not covered by these rules and regulations, reference is made to Section 81K to 18GG, inclusive, of Chapter 41 of the General Laws.



RULES AND REGULATIONS  
of the Eastham  
ZONING BOARD OF APPEALS

1. Meetings and hearings of the Board will be held on Wednesday evenings at the call of the Chairman.
2. The board shall consist of five (5) regular members from whose number a Chairman shall be elected by majority vote to serve for a period of one year, said election to take place not later than (30) days after the date of the annual meeting. There shall be two (2) associate members of the Board who will, whenever practical, meet with the regular Board members at all hearings and special meetings, and one or both of whom may be appointed by the Chairman to serve in the absence of regular members. The associate members in attendance at any hearing shall sit with the regular members, but the vote of only the five (5) members assigned by the Chairman to hear a particular case will affect that case, although the other votes will be recorded.
3. In the event of the inability of the Chairman to meet with the Board at any particular hearing, or special meeting, he shall appoint from the remaining regular members, an acting Chairman to serve in his stead, who shall then exercise all the powers of the Chairman.
4. A stenographer, who shall be the Clerk of the Board, and may also be a regular or an associate member, shall be in attendance at all hearings held by the Board, and at such special meetings as the Chairman may deem necessary.
5. As prescribed by Section 19 of Chapter 40A of the General Laws (terc. ed.) and all amendments thereto, the concurring vote of all members of a Board of Appeals consisting of not more than four (4) members, and the concurring vote of all except one member of the board consisting of more than (4) members shall be necessary to reverse any order or decision of any administrative official under this chapter, or to decide in favor of the applicant on any matter upon which it is required to pass under any Zoning ordinance or by-law, or to effect any variance in the application of any such ordinance or by-law.
6. All hearings of the Board shall be open to the public.
7. The Eastham Board of Appeals shall hold hearings on the FIRST WEDNESDAY of each month, beginning at 7:30 p.m. The completed petition shall be received by the Town Clerk no later than the sixth (6th) days of the prior month in order for it to be heard in that month. Hearings must be held within sixty-five (65) days

of the receipt by the Town Clerk of a properly completed petition, made out in TRIPLICATE and accompanied by required survey plans and a registered surveyor architectural plan and specifications where called for, together with the proper application fee. Notwithstanding the foregoing, the Chairman of the Board may, in his discretion, schedule a hearing and/or meeting on any other days of the week during the month, providing an appropriate public notice has been given of the date and time as required by statute.

8. Public notice of all hearings shall be given in an official publication or newspaper of general circulation within the County of Barnstable once in each of two successive weeks, the first publication to be not less than (14) fourteen days prior to the date set therefore by the Chairman. Special notice by certified mail, postage prepaid, at least fourteen (14) days prior to any hearing shall be given to all persons deemed by the Board to be especially affected thereby, and, in addition, notice by regular mail shall be given to the Board of Selectmen, Town Clerk, Planning Board and the Building Inspector.

9. The Petitioner shall, at the discretion of the Board, submit satisfactory indication of ownership, occupancy, or special interest in the land to which a decision of the Board would apply.

10. In any particular case, the Board shall cause to be made a detailed record of its proceedings and official actions, the original copy of which shall be filed in the office of the Town Clerk to become a public record, and notices of the Board's decision, signed by the Clerk of the Board, shall be mailed forthwith to parties of interest.

11. The Board shall take a view of sites and buildings involved in cases which are to come before it whenever and wherever it is deemed necessary.

12. The Board shall require the submission of properly scaled and engineered plans prepared in the offices of registered civil engineers, land surveyors, and architects or their equivalent. These plans shall be no smaller in size than 8½"x 11" and no smaller in scale than one inch equals fifty (50) feet. Where new construction is involved the Board shall require a plot plan of the property showing property lines and street lines, area, all existing buildings and appurtenances and their sizes, the outline and size of proposed new construction, and the buildings and the distance relationships between the buildings themselves and between the buildings and the street and property lines. Where commercial construction is involved, the Board shall require proper architectural drawings showing a plan view and the front, side and rear elevations together with the specifications to be used for said construction. These architectural plan requirements may be modified in part or waived altogether by the Board in the case of alterations and/or additions to existing residential buildings.

13. The appellant in any appeal case shall submit an approved application form made out in triplicate, with each sheet to be filled out completely and the same presented to the Town Clerk. The proper forms will be found at the Town Clerk's office.

14. In exercising its powers under paragraph three, Section 15 of Chapter 40A of the General Laws, the Board may impose limitations both of time and use, with respect to a particular parcel of land, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter. In cases dealing with building addition, alteration or new construction, affirmative decisions of the Board may contain the following: "Any building addition, alteration, or new construction allowed under this variance, or permissive use or non-conforming use must commence within one (1) year of the effective date of this grant."

15. A filing fee of \$75.00 payable to the "Town of Eastham" must accompany each application for a hearing before the Board of Appeals.

16. The Board shall make such other rules and regulations from time to time, as it shall deem necessary and proper for the carrying out of its functions under the Zoning By-Laws which shall be on file with the Town Clerk.





TOWN OF EASTHAM  
BOARD OF HEALTH REGULATIONS

At a duly held regular meeting of the Board of Health of the Town of Eastham on January 22, 1986, it was voted in accordance with the provisions of Chapter 111, Section 31 & 31A of the General Laws to adopt the following Board of Health Regulations:

DISPOSAL OF SEWAGE AND WELL REGULATIONS AS ADOPTED  
By the BOARD OF HEALTH, January 22, 1986

I

Disposal of Sewage

Section 1.

Every place of human habitation shall have available a sanitary method for the disposal of all human excreta which shall meet with the approval of this Board of Health, its agents or inspectors.

Section 2.

Wherever a water carriage system is available, final disposal of these waters shall be made by means of one or other of the following methods:

(a) Connection with a public sewage system where same is required by a regulation of this Board. (General Laws, Chapter 83, Section 11)

(b) A septic tank constructed in such a manner as hereinafter provided.

(c) Such other methods as shall be approved by this Board.

Section 3.

All sewage disposal systems hereafter constructed shall be of approved material and unless otherwise specified by the Board of Health, shall be located not less than twenty (20) feet from any dwelling, not less than ten (10) feet from the line of any street, court, or passageway, not less than ten (10) feet from the line of adjoining lot, all measurements being taken from the nearest outer circumference.

Section 4.

All septic tanks hereafter installed shall be of approved construction and shall have a minimum capacity of 1,000 gallons. The effluent of a sewage disposal system shall be disposed of by means of (a) A septic tank properly constructed or (b) A subsoil drainage system laid out in a manner which shall meet the approval of this board.

Section 5.

Unless otherwise specified by the Board of Health, all cesspools, septic tank disposal fields, privies or other sewage disposal methods hereafter constructed and all wells and springs hereafter installed shall be so located that a distance of not less than one hundred (100) feet shall intervene between any well or spring and any cesspool, septic tank, disposal field or privy. The distance shall be measured from the well or spring to the nearest outer point of such cesspool, disposal field or privy. All pipe lines used for the purpose of conveying sewage or house draining shall where within fifty (50) feet of any well or spring be constructed of cast iron pipe with leaded joints or in such manner as to be permanently water tight. The use of clay or terra cotta pipes with cement joints will not be approved.

Section 5A.

In the absence of a water carriage system disposal of human excreta shall be by means of a sanitary privy. All privies shall be of approved material and shall be so constructed as to prevent the access of flies to excreta or the deposit of same on the surface of the ground. Unless otherwise specified by the Board of Health, such privy shall be located not less than twenty (20) feet from the nearest dwelling, not less than twenty (20) feet from line of adjoining lot and not less than twenty (20) feet from any street, court or passageway, all measurements being taken from the nearest outer point of the privy building. No permanent privy shall hereafter be constructed or maintained on premises which are provided with a water supply.

Section 5B.

In the absence of other water carriage disposal, the drainage from kitchen sinks, laundry tubs, etc. shall be disposed of in a cesspool or dry well so constructed as to meet with the approval of this Board of Health.

Section 5C.

Temporary privies for the convenience of contractors and their employees may be erected or installed without a permit but only under the following conditions: The vault must be at least two (2) feet in depth and must be so located as to cause no annoyance to persons residing in the vicinity. The owner, contractor or agent shall cause the contents thereof to be treated in a sanitary manner and immediately upon the completion of the contract, the contractor shall remove the privy fill in the vault and leave the premises in a condition satisfactory to the Board of Health.

Section 6.

Whenever a sewage disposal system or drain becomes offensive or obstructed, the owner, agent, and/or occupant of the premises shall cause same to be cleaned or otherwise corrected.

## Section 7.

No cesspool, septic tank, privy or other means of sewage disposal shall hereafter be constructed or installed in this Town until a permit has been obtained from the Board of Health.

No sewage disposal system shall be located within one hundred (100) feet of any water body, water course, either permanent or intermittent, any vegetated wetland, fresh or salt, as determined by predominance of vegetational species; the top of any coastal bank; the landward toe of any primary dune or the spring high water mark on any salt water body or estuary; or the annual flood level of any fresh water body.

All holders of permits granted by the Board of Health, under Chapter 111, Section 31-A of the General Laws as amended for the removal and transport of contents of cesspools, septic tanks or privy vaults shall provide themselves with a water tight tank truck or vehicle to be used for this purpose. Dumping or final disposal of the contents of tank trucks or other vehicles shall be at such a place and in such a manner as provided by this Board of Health.

## Section 8.

No dwelling unit or addition thereto shall be occupied or Certificate of Occupancy under the State Building Code issued by the Building Inspector until an "as-built plan" under the seal of a registered land surveyor, or other professional authorized by law to prepare such plans showing the location of the foundation, septic system, and well relative to lot lines, wetlands, water courses, and other buildings and structures on the lot has been supplied to and approved by the Board of Health.

## II

## Wells

## Section 1.

No well for drinking water purposes shall be located within one hundred (100) feet of any sewage disposal system or other possible source of contamination and all water from new wells shall be tested for chemical and biological contaminants and meet the criteria established under the Federal Safe Drinking Water Act of 1974 with the results submitted to and approved by the Board of Health prior to use. No sewage disposal works construction permit shall be issued until a well is installed and water quality approved as required above.

## Section 2.

All drinking water wells shall be located a minimum of four hundred (400) feet from designated boundry lines of any sanitary facility or designated future landfill facility.

### III

#### Variances

The Board of Health may vary the application of any provision of these regulations with respect to any particular case when, in its opinion,

- (1) the enforcement thereof would do manifest injustice and substantial hardship, and
- (2) the applicant has proved that the same degree of environmental protection required under these regulations can be achieved without strict application of the particular provision.

Every request for a variance shall be made in writing, and shall state the specific variance sought and the reasons therefore. No variance shall be granted except after a public hearing with proof of notice to abutters supplied by the applicant.

### IV

#### Penalties

Any person violating any of the above Board of Health rules and regulations shall be subject to a fine of not more than \$500.00 (Five hundred dollars and no cents) for each violation. Each violation and each day of violation shall constitute a separate offense, punishable by fine as aforesaid. (Chapter 111, Section 31, Amended by Section 2 of Chapter 565 of the Acts of 1982.)

### V

#### Repeal and Date of Effect

All regulations and parts of regulations in conflict with this regulation are hereby repealed and this regulation shall be in full force and effect immediately upon its adoption and publication as provided by law (Section 31 of Chapter III, General Laws.)

### VI

#### Unconstitutionality Clause

Should any section, paragraph, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, the remainder of the said regulation shall not be affected thereby.

Adopted April 18, 1955, and any subsequent amendments hereto.

Ralph L. Earle, Sr.  
Chairman  
Rudolph E. Zannoni  
Howard W. Quinn

BOARD OF HEALTH

PLUMBING REGULATIONS

as established by

THE BOARD OF HEALTH

effective August 15, 1966  
and amended to date

REGULATIONS-

Permit required-

1. Prior to the commencement of work, a permit shall be obtained from the Plumbing Inspector for any plumbing, supply or waste, other than minor repairs to existing plumbing.

Office hours for the Plumbing Inspector will be 8:00 a.m. to 9:00 a.m. Monday, Wednesday and Friday, except on legal holidays.

Application for Permit-

Application for permits shall be on forms provided. Applicants shall be required to furnish such information regarding the proposed work as the Board of Health may prescribe in addition to any requirements specified under Section 1 of these regulations.

Fee-

A fee must be paid with each application for a permit. There shall be an additional fee for all call-back or re-inspections. Current fee schedules are posted in the office of the Selectmen's Clerk and the Building Inspector.

Inspection-

The Plumbing Inspector, or his assistants, shall make all applicable inspections and tests required by the Massachusetts State Plumbing Code and shall notify the Building Inspector when the installation has been approved. The Building Inspector shall not issue a Certificate of Occupancy for any structure until this notification of approval for the structure has been received from the Plumbing Inspector.

Notification-

Two (2) working days notice is required for inspection.

QUALIFICATIONS FOR APPLICANTS- All holders of Massachusetts Journeyman's or Master Plumber's Licenses shall be eligible to obtain plumbing permits.



BY-LAW

CONTROL OF TOXIC AND HAZARDOUS MATERIAL

Section 1. Findings

The Town of Eastham Finds That-

(1) The groundwater underlying this town is the sole source of its existing and future water supply including drinking water;

(2) The groundwater aquifer is integrally connected with, and flows into, the surface waters, lakes, streams and coastal estuaries which constitute significant recreational and economic resources of the town used for bathing and other water-related recreation, shellfishing and fishing.

(3) Accidental spills and discharges of petroleum products and other toxic and hazardous materials have repeatedly threatened the quality of such groundwater supplies and related water resources on Cape Cod and in other Massachusetts towns, posing potential public health and safety hazards and threatening economic losses to the affected communities.

(4) Unless preventive measures are adopted to prohibit discharge of toxic and hazardous materials and to control their storage within the town, further spills and discharges of such materials will predictably occur, and with greater frequency and degree of hazard by reason of increasing construction, commercial, and industrial development, population, and vehicular traffic in the Town of Eastham and on Cape Cod;

(5) The foregoing conclusions are confirmed by findings set forth in the Environmental Impact Statement and Water-Quality Management Plan for Cape Cod (September 1978), prepared by the Cape Cod Planning and Economic Development Commission pursuant to Section 208 of the Federal Clean Waters Act; by the report entitled Chemical Contamination (September 1979), prepared by the Special Legislative Commission on Water Supply, Commonwealth of Massachusetts; and by the report, "Chemical Quality of Ground Water, Cape Cod, Massachusetts", (1979), prepared by the U.S. Geological Survey.

Section 2. Authority

The Town of Eastham adopts the following measures under its home rule powers to protect the public health and welfare, and its authorization under Chapter 40, M.G.L.S. 21.

### Section 3. Definitions

(A) The term, "discharge," means the accidental or intentional spilling, leaking, pumping, emitting, emptying or dumping of toxic or hazardous material upon or into any land or waters of the Town of Eastham. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems, and disposal of such materials into any on-site sewage disposal system, drywell, catch basin or unapproved landfill. The term, "discharge," as used and applied in this By-Law, does not include the following:

- (1) proper disposal of any material in a sanitary or industrial landfill that has received and maintained all necessary legal approvals for that purpose;
- (2) application of fertilizers and pesticides in accordance with label recommendations and with regulations of the Massachusetts Pesticide Control Board;
- (3) application of road salts in conformance with the Snow and Ice Control Program of the Massachusetts Department of Public Works; and
- (4) disposal of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by Title 5 of the Massachusetts Environmental Code.

(B) The term "toxic or hazardous material", means any substance or mixture of such physical, chemical or infectious characteristics as to pose, in the Board of Health's judgment, a significant actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. "Toxic or hazardous materials" include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and include products such as pesticides, herbicides, solvents and thinners. Wastes generated by the following activities, without limitation, are presumed to be toxic or hazardous, unless and except to the extent that anyone engaging in such an activity can demonstrate the contrary to the satisfaction of the Board of Health.

- Airplane, boat and motor vehicle service and repair
- Chemical and bacteriological laboratory operation
- Cabinet making
- Dry cleaning
- Electric circuit assembly
- Metal plating, finishing and polishing
- Motor and machinery service and assembly
- Painting, wood preserving and furniture stripping
- Pesticide and herbicide application
- Photographic processing
- Printing

### Section 4. Prohibitions

(A) The discharge of toxic or hazardous materials upon the ground or into any surface or groundwaters within the Town of Eastham is prohibited.



(B) Outdoor storage of toxic or hazardous materials is prohibited, except in product-tight containers which are protected from the elements, leakage, accidental damage and vandalism, and which are stored in accordance with all applicable requirements of Section 5 of the By-Law. For purposes of this subsection, road salts and fertilizer shall be considered as hazardous materials.

### Section 5. Storage Controls

(A) Except as exempted below, every owner and every operator other than an owner of a site at which toxic or hazardous materials are stored in quantities totaling, at any time, more than 50 gallons liquid volume or 25 pounds dry weight shall register, with the Board of Health the types of materials stored, quantities, location and method of storage. The Board of Health may require that an inventory of such materials be maintained on the premises and be reconciled with purchase, use, sales and disposal records on a monthly basis, in order to detect any product loss. Registration required by this subsection shall be submitted within 60 days of enactment of this ordinance, and annually thereafter. Maintenance and reconciliation of inventories shall begin within the same 60 day period. Exemptions: Registrations and inventory requirements shall not apply to the following:

- (1) Fuel oil stored in conformance with Massachusetts Fire Prevention Regulations and regulations of the Eastham Board of Health for the purpose of heating buildings located on site; or
- (2) The storage of toxic and hazardous materials at a single family or two family dwelling, except where such materials are stored for use associated with a professional or home occupation use as defined by Section III, or the Zoning By-Laws of the Town of Eastham.

(B) Wastes containing toxic or hazardous materials shall be held on the premises in product-tight containers and shall be removed and disposed of in accordance with the Massachusetts Hazardous Waste Management Act, Ch. 704 of the Acts of 1979.

(C) The Board of Health may require that containers of toxic or hazardous materials be stored on an impervious, chemical resistant surface compatible with the material being stored and that provisions be made to contain the product in the case of accidental spillage.

### Section 6. Report of Spills and Leaks

(A) Every person having knowledge of a spill, leak or other loss of toxic or hazardous materials believed to be in excess of 5 gallons or 5 pounds dry weight shall report the spill or loss of same to the Board of Health within one hour of detection.

### Section 7. Enforcement

(A) The provisions of this By-Law shall be enforced by the Board of Health. The agent of the Board of Health may, according to law, enter upon any premises of any reasonable time to inspect for compliance.

(B) Upon request of an agent of the Board of Health, the owner or operator of any premises at which toxic or hazardous materials are used or stored shall furnish all information required to monitor compliance with this By-Law, including a complete list of all chemicals, pesticides, fuels and other toxic or hazardous materials used or stored on the premises, a description of measures taken to protect storage containers from vandalism, corrosion and spillage, and the means of disposal of all toxic or hazardous wastes produced on site. A sample of wastewater disposed to on-site septic systems, drywells or sewage treatment systems may be required by the agent of the Board of Health.

(C) All records pertaining to storage, removal and disposal of toxic or hazardous wastes shall be retained for no less than three years, and shall be made available for review by the agent of the Board of Health upon request.

(D) The Building Commissioner of the Town of Eastham shall condition issuance of construction and occupancy permits upon conformity with the requirements of this By-Law respecting any toxic or hazardous materials to be used in the course of such construction or occupancy.

#### Section 8. Violation

(A) Written notice of any violation of this By-Law shall be given by the agent of the Board of Health, specifying the nature of the violation; any corrective measures that must be undertaken, including containment and cleanup of discharged materials; any preventative measures required for avoiding future violations; and a time for compliance. Requirements specified in such notice shall be reasonable in relation to the public health hazard involved and the difficulty of compliance. The cost of containment and cleanup shall be borne by the owner and operator of the premises.

#### Section 9. Penalty

Penalty for failure to comply with any provisions of this By-Law shall be \$200.00 per day of violation.

#### Section 10. Severability

Each provision of this By-Law shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

Special Town Meeting October 1981  
Approved by Attorney General January 1982



